

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6359

BILL NUMBER: HB 1053

DATE PREPARED: Nov 7, 2001

BILL AMENDED:

SUBJECT: Civil Immunity for Volunteers.

FISCAL ANALYST: John Parkey

PHONE NUMBER: 232-9854

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill grants immunity from liability for civil damages resulting from a negligent act or omission of a volunteer other than an act or omission related to the operation of a motor vehicle. The bill limits the maximum liability for the operation of a motor vehicle by a volunteer to the limits of the insurance coverage maintained by or for the volunteer.

Effective Date: July 1, 2002.

Explanation of State Expenditures: This bill potentially decreases the number of lawsuits filed because it confers civil immunity on persons who volunteer for a non-profit organization or corporation, a hospital, or a governmental entity. This immunity is granted only for cases in which the damage caused was not due to willful or wanton misconduct, and the volunteer was acting in good faith and within the scope of their duties as a volunteer.

The specific fiscal impact of this bill is indeterminable. Any cost savings would depend on the number of lawsuits that would have been filed against the state for civil damages for injuries caused by volunteers.

Background Information: The Office of the Attorney General reports the amount of damages paid as a result of all tort claims submitted and tort claim lawsuits filed against the State and by plaintiffs in tort and civil rights litigation between CY 1996 and CY 2000 as follows:

<u>CY</u>	<u>Damages Paid</u>
1996	\$ 5,742,977
1997	\$ 3,438,230
1998	\$ 2,935,075
1999	\$ 5,052,346
2000	\$ 9,362,912

The amount paid includes tort claims paid at the time of claim submission, settlements upon the filing of lawsuits, and settlements paid as a result of a court order. It also includes cases in both federal and state court.

Explanation of State Revenues: If the proposal decreases the number of civil actions that would have occurred, the state would experience a decrease in revenue from filing fees that are deposited in the state General Fund.

Explanation of Local Expenditures: The fiscal impact is indeterminable. Any cost savings to local political units would depend on the number of lawsuits that would have been filed against the local unit for civil damages caused by volunteers.

Explanation of Local Revenues: If the proposal decreases the number of civil actions that would have occurred, the state would experience a decrease in revenue from filing fees that are deposited in county general funds.

State Agencies Affected: Office of the Attorney General.

Local Agencies Affected: Counties; cities and towns; clerks.

Information Sources: Jennifer Thuma, Legislative Counsel, Attorney General's Office, 233-6143.